

ACTION SWCI-00

INFO	LOG-00	EEB-00	AID-00	AMAD-00	CIAE-00	INL-00	DNI-00
	DODE-00	DATE-00	PERC-00	DS-00	DHSE-00	FAAE-00	FBIE-00
	VCI-00	FO-00	TEDE-00	INR-00	IO-00	LAB-01	L-00
	MOFM-00	MOF-00	M-00	VCIE-00	NEA-00	NSAE-00	NSCE-00
	OIC-00	NIMA-00	PA-00	PM-00	GIWI-00	PRS-00	P-00
	SCT-00	DOHS-00	FMPC-00	SP-00	SSO-00	SS-00	STPD-00
	STR-00	TRSE-00	NCTC-00	ASDS-00	CBP-00	R-00	PMB-00
	DSCC-00	PRM-00	DRL-00	G-00	NFAT-00	SAS-00	FA-00
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O 241656Z APR 08
FM AMEMBASSY RABAT
TO SECSTATE WASHDC IMMEDIATE 8466

C O N F I D E N T I A L RABAT 000370

NOFORN

FOR S/WCI AND NEA/MAG

E.O. 12958: DECL: 04/24/2028
TAGS: [PHUM](#) [PINR](#) [PTER](#) [KDRG](#) [MO](#)
SUBJECT: TRANSFER OF MOROCCAN GTMO DETAINEE SAID
BOUJJAADIA (PARTIAL ISN 150)

REF: STATE 37199

Classified by Ambassador Thomas Riley for reasons 1.4 (b) and (d).

¶1. (C/NF) This is a coordinated mission message, with concurrence from all concerned agencies. In response to queries reftel; (a) The GOM is prepared to receive the proposed transfer. (b) The GOM has provided verbal assurances from a variety of sources including MFA Director of Bilateral Affairs Karim Halim (strictly protect) that the humane treatment, security and access assurances previously provided by the GOM, which have served as the basis for previous transfers to Morocco in October of 2006 and April of 2007, will apply to the transfer of detainee BOUJJAADIA. Halim, the Counterterrorism and Political-Military Affairs Chief of the MFA is authoritative in conveying the continuation and renewal of previous high level assurances that were given with respect to previous transfers. Post assesses these assurances to be reliable. Regarding point (c), approval to refuel after landing in Morocco is being worked through customary DATT channels, other logistic issues are being coordinated through appropriate USG counterparts. To the best of our information, all former transferees remain in Morocco; and there have been no issues regarding adherence to security or humane treatment assurances.

¶2. (C/NF) We assess the Government of Morocco (GOM) has handled the past transfers of detainees from GTMO as well as possible. All appear to have received reasonable due process. While we do not maintain consolidated formal records at post, we have tracked the situation of GTMO transferees, as the same questions are raised with each transfer. Embassy has maintained formal contact with GOM through the Ministry of Foreign Affairs and has also been directly in touch with law enforcement/judicial personnel regarding transfers, and supplemented this monitoring with the best available information from GOM contacts, civil society and through the press, which on this issue is essentially unrestricted in its reporting. The principal concern of the GOM regarding the transfers has been they do not want to see non-Moroccans disembarking. Previous missions have landed without non-Moroccans disembarking.

¶3. (SBU) USG information indicates that ten detainees were returned to Morocco. All of them received legal due process, which itself is remarkable under the circumstances and is a sign of how far rule of law has evolved in Morocco. Three were charged and sentenced and the rest were acquitted. One of the three detainees convicted upon repatriation was imprisoned for a little over a year and then released when

his conviction was overturned; the other two were convicted and have either been released or are serving sentences imposed in accordance with Moroccan law. Details noted below (para 7). Two detainees who were released after repatriation were subsequently arrested and convicted on charges unrelated to their Guantanamo detention, we believe they may also have been freed by now. Post is unaware of any allegations of mistreatment or abuse during any of the periods of detention.

Most of this information is also available in press accounts.

¶4. (C/NF) According to Moroccan officials, the principal reason the transferees are no longer detained is that the GOM has never received, as requested, any judicially appropriate evidence, records, or documentation that could justify the GOM convicting or even holding the referenced individuals. Such requests, from local prosecutors, were generally passed to the USG through LEGATT channels. Without inculpating information, the GOM cannot hold the individuals beyond a limited investigatory period. This in itself is good, from a human rights and democracy perspective. The GOM has also apparently come to the conclusion that the individuals do not pose a direct present threat to Morocco. Nonetheless, they have assured us that all are subject to ongoing monitoring.

¶5. (C/NF) We have never received any information that any of these detainees, released or not, have suffered abuse at the hands of the GOM. We believe the GOM has been extra scrupulous concerning these individuals, as it is aware of the scrutiny applied to their cases. Prior to previous transfers, we have informed the GOM that we base our decision to transfer on the humane treatment assurance provided by the Minister Delegate for Foreign Affairs and Cooperation on behalf of the GOM at a June 17, 2005 meeting with the U.S. Ambassador to Morocco; as well as assertions made by the Minister of Justice of Morocco in March 2005 that the ICRC would be able to visit detainees repatriated from GTMO. On these previous occasions, the GOM indicated their understanding that the transfers will proceed based upon these understandings. Again, these have proven adequate and to our knowledge, the GOM has not deviated from these commitments. Based on our contacts with the GOM and ICRC, we have no reason to believe that the ICRC would not continue to have access to GOM facilities and will have access to any future detainee(s) transferred from GTMO. On the contrary, the Moroccan prison system is becoming more transparent. Additionally, we are not aware of any of the previous transferees residing outside of Morocco.

¶6. (C/NF) The Director of the Penitentiary Administration separately assured poloff on April 15, 2008 that prisoners would be fairly and humanely treated, according to Moroccan law, and assured they would receive due process. We have no reason to question those assurances.

¶7. (C/NF) Post,s List of Returnees and Status (note:matches reftel list)

Returned 7/30/04

Shakaran, Ibrahim Bin, (Ibrahim Benchekroun): charged 9/8/04, acquitted 1/06, convicted later with Rha cell (currently serving a sentence)

Radwan, Al Shakouri, (Redouane Chakouri): charged 98/04, acquitted 1/06

Mizouz, Mohammed, (Mazouz/Mzouz): charged 9/8/04, acquitted 1/06, convicted later with Rha cell (currently serving a sentence)

Ahmad, Abdullah Tabarak (Abdellah Tabarak): charged 9/8/04, acquitted 1/06

Awzar, Mohamed Ibrahim (Mohamed Ouzar): charged 98/04, acquitted 1/06

Returned 2/7/06

Lahassimi, Najib Mohammad (Najib Lahssini): convicted of 5 years as of 11/30/06

Hassan, Muhammad Hussein Ali (Mohamed Al Ouali): convicted and sentenced to 3 years on 11/30/06

Souleimani, Laalmai, Mohamed (Mohamed Souleimani Aalami): convicted and sentenced to 3 years as of 11/30/06

Returned 10/11/06

Ben Moujan, Muhammad (Mohamed Benmoujane): charged 10/19/06, convicted and sentenced to 10 years, then overturned and acquitted 5/07

Returned 4/25/07

Rashidi, Ahmed (Ahmed Rachdi): charged, acquitted 5/2/07, confirmed still in Morocco as of 12/07

¶8. (C/NF) Embassy will continue to follow up with host government officials to obtain full information on status of returned detainees.

Visit Embassy Rabat's Classified Website;
<http://www.state.sgov.gov/p/nea/rabat>

Riley